

Dear Jimmy,

8/26/85

I'm able to take some time today for more detailed answers to your questions in your 8/22 and because I'm uncertain about one, maybe two things, I'll mark them on a copy I'll send to Jim. If he remembers what I don't I'm sure he'll let you know or if my recollection is off, I'm sure he'll correct it. I'll address your letter paragraph by paragraph.

In the first you wonder if there is something wrong with Herbert McDonnell because he testified for the prosecution in a case in which the prisoner in the cell next to yours got the electric chair. The short answer is that I'm certain about McD's honest and scientific competence. He gave effective testimony for you. Remember, McRae held that guilt or innocence were immaterial. It was my decision to ask him to be our expert witness and I'd never met him then. Bud was abroad and Jim left it up to me. We had a long conversation and he impressed me (by phone) as both honest and competent and from my eyeball examination of the recovered fragment of bullet, to which I had access in Bubba Blackwell's office with Jim there, I ~~decided~~ decided that honesty and not being afraid of the state or FBI were our primary needs. I was certain that the amount and character of what they removed from King's body was enough to make a positive or negative identification and I'd already gotten the FBI's affidavit in which its agent swore to the opposite. McDoneel, when we first spoke, told me quite frankly that mostly he testified as a prosecution witness but that he also was the expert for defendants. Jim agreed after I spoke to McD and the first time I ever saw him was the day in the courtroom when I took him from there to Bubba Blackwell's office. I was with him (as was Bubba and another man or two) when he used his microscope, made his ~~next~~ notes and took his pictures. We went over his testimony the night before he testified in my motelroom, with Du, Jim and Bob there. In fact, I loaned him some pictures that the court kept. He used them. I'm sure that in the case against your neighbor he was honest in what he testified to.

Jim- please read this and if I err please write Jimmy at Nashville.

Jim filed suit in his own name when I wasn't well for the records of the so-called Office of Professional Responsibility, which conducted the official whitewashing investigation of the FBI in the King case. It is my best recollection that what the DJ got from Stanton is xeroxes of the Stanton/Carlisle file, but not of all of it. It is a fact that they had separate files, Stanton a cabinet in his office and in the investigator's space in the basement Carlisle had files the nature of which I do not know. Remember this re the interrogatories. All the files were not in a single place. I have no knowledge of the present location of the file or files but I did hear many years ago that some had been sent to the state at Nashville. Remember also that the police "red" squad had files of their keeping tabs on King and supposedly offering him protection, which they did. Their high-level people were told they were not wanted by King's people.

DeSoto: you are correct, although I do not recall your telling me this earlier, as you may have years ago, one reason you changed your room was to get one that had a TV. Does this remind you of where your first accommodations there were? Anything about where they first put you? Any help in making the move?

You next say, "I suspect one person who gave my correct location to the FBI in Early April is Jimmy Garner's sister," who was not a drunk and ran the place when Jimmy couldn't. Are you saying that she knew you were going to go to the DeSoto? What address did you leave with him or her? I do not recall hearing anything about this earlier. If you left the address of the DeSoto when you left Atlanta, how did you know of it in advance of getting there?

Perhaps you did not understand what I was suggesting in referring to you and the DeSoto and the evidence left at the scene and the FBI's investigation, so I'll



go through it again. And remember, you've just written that "I never met anyone there."

So you can understand how this can be used against you at some point I note to begin with that it is on the wrong side of Memphis for you to have come upon it by accident coming from Corinth, Miss. It, however, is a convenient place to meet someone coming from New Orleans, and its special qualities, which I've not mentioned in these recent letters, made it more advantageous for any meetings.

After staying there a night you drove back to the opposite side of town, to the New Level, from that tip of Miss. into Tenn and the eastern side of Memphis. This is closer to where you've have been coming from Corinth than the DeSoto. And remember, I'm not disputing your word that you didn't meet anyone there. But I think you should recognize the possibility that someone else was there. Most certainly someone else was very close to there, and the evidence establishes it.

I also am certain that you did not drop the bundle in fleeing, that you then were not even at the flophouse. But in that bundle there was the beer you said you did not get and it was in a bag. I've seen the FBI's elaborate records of its tracings of both the beer and the bag and they established that pretty certainly the beer was bought and out in that bag in the bait and minnor shop very close to the DeSoto. I don't recall now precisely where it was, and it may have been a little on the New Orleans side. Now of all the places the beer could have been bought by the person who bought it, does it not appear to be unlikely that he bought it that close to the DeSoto by accident only? And then left it to point a finger at you? Can't you see how important this would have been to the prosecution if you had not stopped off at the Rexall to get the toilet goods - which were also in that bundle? It is apparent, I think, that someone was both setting you up and fingering you. And, perhaps, also keeping an eye on you. Most likely more than one because the one who may have been keeping an eye on you would not likely be someone you would meet later, and you did meet a stranger, as I recall.

So, in your own interest I think you should give this some thought, and I'll be interested, of course, in whatever you think about it.

And in thinking about it, remember also that the FBI managed not to check the registrations at the DeSoto (so far as their records show) when they were supposedly checking all area motels. (I'm sure they were there and I know they passed it more than once in their checking.) So I am reasonably certain that they knew you were there and I'm inclined to believe they hid this to avoid facing the possibility of a conspiracy, which they decided instantly there had not been.

On the Atlanta map, the FBI can truthfully swear that it does not have it. The reason is that they gave it or loaned it and didn't get it back for the prosecution. Didn't I tell you that I examined it in Blackwell's office? They had made enlargements of a couple of parts of it and I caught them lying about that and was able to force them to give me copies of their enlargements. There is no doubt about it, there were markings of places identifiable with King's life and activities on it. The question is who put the marks there? I believe you when you say you didn't. Who but anyone wanting to set you up? Your recollection fails you: it was publicized at the time, I'm pretty sure in the leaks to the press and at the guilty-plea hearing. Stokes didn't wave it around for a number of reasons I can see, the most obvious being that with it in Memphis with Blackwell he could not get it from the FBI and his half-assed investigators were incompetent and couldn't and didn't spend the time and effort to get the copies I did. While this, I think, is enough, there could have been reasons why it wasn't used if by some slight chance or accident they learned that the photo enlargements were in FBI files and hidden there, as they were.

You next say that Stanton has sworn that he has no access to FBI/DJ records. It depends on context and any possible changes whether this is a lie that could be



perhury. What does he mean by "access" and by "records?" Does he mean in general? If so, that would be true. But the prosecution, which means his files as DA, the files that as Canale had as DA, had FBI "records" in two forms, of which the nine cartons I rushed through in Bubba Blackwell's office is one. The other is 29 bound volumes of GBI reports, which were 25 in the numbering, some having more than one part. They did get them, after a little hassle. Canale had to complain to DJ before the FBI turned them over. These originated in various field offices and they consisted of what the FBI did not want to hold back, what could be used for a prosecution-type case only. Copies were made and were delivered to Canale and there is no record of either their return or any request for their return. They were extra copies made for him. Along with this they borrowed and returned a card index to those same volumes. I caught them lying about this index, too, and what I say above about the index and the 29 volumes is in my FOIA suit, C.A. 75-1996, so there is absolutely no question about it. Jim also has personal knowledge of this and if you have to impeach Stanton before this new judge, I think he is the better person to give you an affidavit. He may not be able to locate it easily, and I know I can't, but I got and gave him a copy of the FBI's list of those 25/29 volumes, each identified with the field office from which it came.

You next say that in Frame-Up I report Foreman selling out a client in another Dope case. Right and wrong. It was not in Frame-Up but it did happen. Here is what I got after the book was published: a lawyer named Stephen Duke, then a professor of law, got interested in the case of a beauty-shop owner whose name I recall as Miller, who was charged with bringing dope in from ~~XXXX~~ Canada. Now believe me, this is an exact duplication of what you told me you did, in the finest detail. Foreman really got the guy convicted, Duke got interested and handled the successful appeal, but the poor guy was ruined. Duke tried and tried to interest DJ but he got ~~nowhere~~ nowhere. At least some of his correspondence was with ~~McIndine~~ McIndine. Aside from my obvious interest in Foreman selling another client as, as without doubt he did in both cases, I was quite interested in the duplication of detail in the M.O. of bringing the dope in. My recollection may on what I'll now say be not completely accurate, but I believe that Duke came close to solving the dope-smuggling case and DJ still wasn't interested. I think I told you of this on one of my visits and that may be how you think it is in Frame-Up, which you have. (If you check the listings for Atlanta in the index you may find where the stuff about the map was published.

There was another case of Percy selling a client out. His lawyer looked Jim and me up in Memphis but I've forgotten his name, but I think it is Jerry. The man Percy sold out is his cousin. Who had ~~worked~~ worked on a wiretapping job for the sons of H.L. Hunt. To keep this young man, whose name I think is Jon Young, quite, the ~~units~~ or Foreman arranged for him to get a night-watchman job for someone they knew. The kid was conscientious and when he had been told to see to it that nothing was left out on desks he checked. And lo! he got records of the whole deal. Foreman got as I recall \$400,000. The kid stole the records and I have copies. I fact I even have the attche case Jerry left in Memphis when he went there to see Jim and me. He had to check it with the marshals, forgot it and phone to tell me to get it and keep it. I did because it is a size I didn't have and I was then travelling quite a bit. Same world, huh? I think that later everybody got paid off and it was all laid to rest. I think that this was or was involved in the federal case against Foreman that, as I recall, was just allowed to die before he did or with him. (Have you any clippings on that? Jim and I did not see it in the papers here.)

It happens that I'd known one of those the "unt brothers were having wiretapped, the one who caught them at it. He'd been the old man's chief of security. I also knew the old man who, believe it or not, offered me a job as his ghost writer.

I did quite a bit of work on Foreman, as perhaps Jim told you. If he didn't



give you a description of how Foreman went ape when he just thought of my name, you missed a real treat! Jim thought he was going to have a heart attack. It was in Percy's office, the day after Jim depose him. After Percy read ~~xxxxxxxxxxxx~~ Frame-Up he was so afraid of me that he fled the NYC TV studio with his makeup still on when he learned for the first time that he was going to appear with me. What a sight! Threatened a new kind of libel suit against the station while fleeing-the unspoken libel. It scared the station in a different way - the cost of defending a spurious libel suit. So, I agreed, in a deal with the station, that I'd not be the first to mention Percy's name if they'd have an empty chair for him and say that he had gotten there, learned he would face me, and refused to.

I think I've forgotten something so I'm going over your letter again. It was not the police who got the map at Garner's, it was the FBI. And it did not have King's addresses on it, only marks indicating street blocks that were accurate.

Reminds me, you once sent me some pages of Art Hanes' notes that included addresses in New Orleans. I've never seen anything else pinpointing those addresses. I checked them all out, showed you pictures of some as I recall, ran out of time and light when I found one was a cemetery, and I wonder if you can now give any meaning to those addresses? One in particular interested me, not the exact address but the location, which led me immediately to as fancy a private club as there was in N.O. ...I do not recall anything like these addresses in what I've seen of what you gave Hue, or in any FBI reports I've seen. One of them that also interested me as I now recall it had a connection with a guy (Humphrey?) connected with Baton Rouge and maybe Whitey Parton. This house was empty when I got there. But I got its history from the nice neighborhood ladies who were quite willing to help a man making a study of New Orleans house styles. Elsewhere of its subtropical trees. Etc. The women finally got the cops to do something about what went on in that empty house. Which had been rebuilt earlier. Remind you of anything, those Hanes notes?

You are lucky to have the late Judge Miller's former clerk as the judge in your case because there is a reasonably good chance she is familiar with Jim's excellent briefing on appeal in your case. I'm assuring she was a clerk when he was an appeals judge in Cincinnati.

I'm as certain as I can be that Henry <sup>Wille</sup> did not recommend McDonnell as the prosecution's expert witness against your next-call man. They had a rough time when Henry cross-examined ~~Wille~~ McDonnell, one of the reasons to believe that my room was bugged - Henry was that prepared for something that was improvised at the last minute and it required that he have detailed and accurate knowledge of lenses, real scientific knowledge that is not normal part of law-school preparation.

In your P.S. you say that Stanton got the DJ to <sup>classify</sup> ~~examine~~ the records it got from him. Wasn't that way and didn't involve classification. There is an FOIA exemption that permits information provided by police to be withheld and Stanton merely asked that it not be disclosed to Jim.

I've not recalled what I remembered and then forgot but as my mind wandered in the effort a few more things came to mind about the house I refer to above that I photographed from the addresses in Hanes' notes and what can relate to it. There was a time, as I then told you, that I had ways of getting phone numbers traced. There was one you said you'd give me after that old crook Schoolfield reported back, I procure through J.D. Stoner or Hill, but so far as I know they did nothing with it and you never gave it to me. You later gave Jim a number, uncertain as I recall about one digit in it. I had then all checked, so were provocatively interesting (like, as I now recall, for the Hunt oil company) and I think that one sort of led to that house. ...There was a lawyer I know who knew Raul Esquivel and he arranged for Esquivel to meet with Bud and me but for some reason Bud didn't go through with



it. I at least thereby missed a <sup>(sugar Bowl)</sup> real party and a football game! And before I go farthur in this reminiscing, I remind you that you made reference to an alleged Foreman-Hoyer Lensky connection in your letter. On that same trip I got a better and second invitation to the Sugar Bowl. It happened this way. I was spending an afternoon drinking with a friend of Clay Shaw's. You'll remember that Harrison charged Shaw in the JFK assassination. This man is the one who phoned the FBI when Oswald was giving out his literature outside Clay Shaw's building in which he also worked. In those days, going back to my reporting days, I could hold my liquor better than most. While this man and I were drinking in the fancy joint to which he took me a friend or two friends of his came in and joined us. He told them about me and we were drinking and jabbering away. The man, much older than I then was, was from one of the so-called better families in N.O. and surprisingly, told me of his business connections with Lensky. The woman with him was in ~~charge~~ charge of the arrangements for the ~~get~~ college girls who were to be cheer leaders or something like that for the Sugar bowl. So, she also invited me to be her guest there. Shall world again?

\* I alone  
wasn't drun

If you've forgotten, that weirdo Charlie Stein gave Jerry Cohen of the L.A. Times the phone number of the state police barracks at Baton Rouge to which Esquivel was assigned and Stein said that somehow he got it from you.

I later was able to do some checking on Esquivel and it turns out that there were three of them named "aul, father, son and grandson. The son lived in the approximate area Stein said you said you had to go, on the other side of the Industrial Canal. Stein said that you said you had a meeting there. I've forgotten the name of the suburb of N.O. in which "r. lived. I have it somewhere. And I think I'd heard of some connection between Raul Esquivel Jr and Carolod Marcello.

You tell me that Jerry has a job in Chicago and thus no time for his "crazy act" and that I'll not hear from him. I'm reading between the lines and assuring that you told him to stop bothering us. If not, please do. He may listen to you and I do not want to have to take steps to stop him. He is your brother and he is crazy and you are limited in your ability to have things done for you but I encourage you to trust him as little as possible because at his best he is very undependable and when he wants to keep his mouth closed he can't for very long. It is only because he is such a blabbermouth that the FBI didn't phony charges against him when they did John. In fact, they had legitimate harboring charges they could have filed on Jerry and didn't. They had proof that you and he met but I've forgotten its exact nature. Maybe they placed him at the room you rented with the people whose name I've forgotten. (You got mail there from Carolina after you left but I've not seen it.) Maybe it was through the old car you gave Jerry. But they had him both meeting with you and lying to them. They also had Jerry's mail watched and when he went to Camden, N.J. to get laid by a woman named Harjorie Fetters they beat him there and made her an informer. Her reporting of what Jerry blabbed about you convinced the FBI that you were guilty. Some lady's man, going to that cost and trouble just to get laid! And as you can see with the bullshit you got on the DeSoto motel he couldn't get even simple things straight. And trusted those as bad on it.

Sorry I've not remember. I've taken time to reread this in the hope I'd be reminded. But maybe something you'll say will job my memory about it.

Sincerely,

Harold Weisberg